

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**WEST STONE WORKS CO., INC.
d/b/a WEST MEMORIALS,**

Plaintiff,

v.

**No. 2:21-cv-2103-TLP-tmp
JURY DEMAND**

**WILSON'S FUNERAL HOME, and
BENJI R. MITCHELL,**

Defendants.

DECLARATION OF SARAH ELIZABETH STUART

I, Sarah Elizabeth Stuart, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18 years old and I am competent to make this Declaration.
2. The contents of this Declaration are based upon my personal knowledge.
3. I am counsel of record for Plaintiff West Stone Works Co., Inc. d/b/a West Memorials ("West Memorials") in this action.
4. Defendant Benji R. Mitchell is not a minor or, on information and belief, an incompetent person.
5. I performed a search of the Department of Defense's Manpower Data Center database on May 5, 2021; the results of that search reflect that Defendant Benji R. Mitchell is not in active military service.
6. As a business entity, Wilson's Funeral Home is not a minor, incompetent person, or subject to the Soldiers and Sailors Relief Act of 1940.

7. After this action was filed on February 18, 2021, my law firm engaged a private process server to serve Defendants Wilson's Funeral Home and Benji R. Mitchell.

8. Defendants were served via private process server at 607 Main St. Wellsville, KS 66092 on March 9, 2021 at 10:22 a.m.

9. Defendants have not answered or otherwise responded to the Complaint.

10. Default was entered against both Defendants pursuant to Rule 55(a) of the Federal Rules of Civil Procedure on April 9, 2021.

11. Defendants have not appeared personally or by representative in this suit.

12. On April 7, 2021, undersigned counsel sent a letter by U.S. Mail to Ms. Mitchell, including a copy of the two Motions for Entry of Default filed against Defendants.

13. Prior to filing suit, this law firm sent a demand letter to Defendants regarding this matter on December 16, 2020 by certified mail.

14. To date, neither Defendant has contacted counsel for West Memorials.

15. Plaintiff has incurred attorneys' fees in the amount of \$1,644.90 (which amount reflects an agreed-upon hourly rate that is a discount on the attorneys' fees of Burch, Porter & Johnson, PLLC) and litigation costs in this case in the amount of \$627.00, for a total of \$2,271.90 in attorneys' fees and costs.

16. The hourly rate charged in this matter for undersigned counsel's time is \$152 per hour, a significant reduction from her standard hourly rate of \$265 per hour. Undersigned counsel is a graduate of *The University of Memphis Cecil C. Humphreys School of Law*, and prior to joining Burch, Porter & Johnson, PLLC as an associate attorney, served two years as a federal law clerk (Honorable Bernice B. Donald, U.S. Court of Appeals for the Sixth Circuit, Honorable Sheryl H. Lipman, U.S. District Court for the Western District of Tennessee).

17. The hourly rate charged in this matter for Taylor A. Cates is \$275 per hour, a significant reduction from his standard hourly rate of \$395 per hour. Mr. Cates is a partner at Burch, Porter & Johnson, PLLC and a graduate of *Vanderbilt University Law School*. Mr. Cates has over 20 years' experience litigating business disputes and intellectual property matters in both state and federal court.

18. The hourly rate charged in this matter for Guquilla Boler, a paralegal, is \$104.00 per hour, a reduction from her standard hourly rate of \$175 per hour.

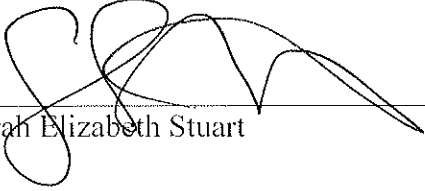
19. Upon information and belief, the rates requested are more than commensurate with those generally charged for similar work within this district.

20. Attached as Exhibit 1 to this Declaration is a summary of time and expenses in this matter, through the filing of this Motion.

21. The total fees sought, which included time expended preparing for and filing of the Complaint, conferring with the Client, submitting a request for default to the Clerk of Court, and researching and drafting the Motion and Memorandum in Support of Default Judgment, are reasonable for the posture of this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 13, 2021



Sarah Elizabeth Stuart

EXHIBIT 1

BURCH, PORTER & JOHNSON, PLLC **Time And Expense Details**

Report ID: OT2025 - 99933
 Thursday, May 13, 2021

Date [02/23/2021 - 05/13/2021]

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 Page 1

Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper
012567	West Stoneworks Co., Inc.		Wilson's Funeral Home	Cates, Taylor A.

Worked Time

Date	Timekeeper	Hours Worked	Rate	Amount	Narrative
2/17/2021	TAC	1.80	275.00	495.00	Begin drafting complaint for copyright infringement against Wilson's Funeral Home;
2/17/2021	GQ	1.00	104.00	104.00	Researched Entity information.
3/1/2021	TAC	0.10	275.00	\$27.50	Conference with S. Stuart re: preparing corporate disclosure statement.
3/1/2021	SES	0.50	152.00	\$76.00	Draft Notice of Appearance; Draft corporate disclosure; Review pleadings.
3/26/2021	SES	0.10	152.00	\$15.20	Check status of service of process and Answer.
4/1/2021	SES	0.80	152.00	\$121.60	Check status of filing of answer; Research re: entry of default judgment; Draft Motion
5/5/2021	SES	3.00	152.00	\$456.00	Draft Motion for Default Judgment; Run search on military status.
5/7/2021	SES	1.40	152.00	\$212.80	Continue draft of Motion for Default Judgment.
5/10/2021	SES	0.90	152.00	\$136.80	Finalize initial draft of Motion for Default Judgment; send same to client; revise with client edits.
Totals		9.60		\$1,644.90	

Expenses

Date	Amount	Exp Code	Narrative
3/30/2021	\$402.00	H100	Suntrust Bank; U.S. District Court - filing fee for Complaint re: Wilson's Funeral Home
4/26/2021	\$125.00	E113	Progressive Process Service; Invoice # 2021565; Subpoena fees
4/26/2021	\$100.00	E113	Progressive Process Service; Invoice # 2021566; Subpoena fees

Expenses

Totals \$627.00